

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

DAVID GOMEZ AND RONALD VASQUEZ

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**CIVIL CASE NO. _____
JURY DEMAND**

VS.

**MEFRA FLETES, SA DE CV AND ALBERTO
GUADALUPE ALVAREZ MARTINEZ**

APPLICATION AND NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U. S. C. §§ 1332(a), 1441, and 1446, and Rule 81 of the local rules for the Southern District of Texas, Defendants **MEFRA FLETES, SA DE CV AND ALBERTO GUADALUPE ALVAREZ MARTINEZ** (“Applicants”) file this Application and Notice of Removal and in support thereof would show the Court the following:

This Honorable Court has subject matter jurisdiction over this civil cause of action pursuant to 28 U.S.C. 1332(a). It is a civil action where the matter in controversy exceeds the sum or value of \$75,000. It is between citizens of a state and citizens or subjects of a foreign state. This notice of removal is filed within 30 days after these Defendants became aware of this case and it being one which is removable.

1. Plaintiffs, DAVID GOMEZ AND RONALD VASQUEZ, filed *Plaintiffs’ Original Petition* in a cause of action against Defendants, MEFRA FLETES, SA DE CV AND ALBERTO GUADALUPE ALVAREZ MARTINEZ, in the 103rd Judicial District Court of Cameron County, Texas, Cause No. 2022-DCL-04461.

2. Service for Defendant Alberto Guadalupe Alvarez Martinez was requested via J. Bruce Bugg, Jr., Texas Transportation Commission, 125 E. 11th Street, Austin, Texas 78701-2483. Defendant Alvarez Martinez never received any documents from the Chairmen of the Texas Transportation Commission; instead, he first learned of this lawsuit on October 5, 2022, when defense attorney's office contacted his ex-employer Mefra Fletes, SA de CV via telephone to notify them of this lawsuit. Defendant Alberto Guadalupe Alvarez Martinez answered on October 6, 2022. Defendant Alvarez Martinez consents to this removal.

3. Service for Defendant Mefra Fletes, SA de CV was requested via its insurance agent, David R. Cantu, 101 N. McColl Road, Suite 10, McAllen, Texas 78501 on September 20, 2022. Defendant Mefra Fletes, SA de CV; never received the lawsuit paperwork, instead, it first learned of this lawsuit on September 22, 2022, when defense attorney's office contacted Mefra Fletes, SA de CV via telephone to inquire about service of this lawsuit. Defendant Mefra Fletes, SA de CV answered on October 6, 2022. Defendant, Mefra Fletes SA de CV consents to this removal.

4. Pursuant to 28 U.S.C. § 1446, this notice of removal is filed within 30 days after Defendants Mefra Fletes, SA de CV and Alberto Guadalupe Alvarez Martinez received notice of this lawsuit and became aware it was removable.

5. Removal is based upon diversity jurisdiction under 28 U.S.C. § 1332(a)(2) because it is a civil action between citizens and residents of the State of Texas and a citizen, resident, and business of a foreign state.

6. The action described in paragraph 1 arises from a motor vehicle incident that occurred in Cameron County, Texas on or about June 14, 2021. Defendants plead that this Court has subject matter jurisdiction over this action, because the amount in controversy is in excess of

this Court's minimum jurisdictional limits and the lawsuit arises out of events or omissions that occurred in Cameron County. This case is being removed to the district and division from where the State court action was pending.

7. Based upon information and belief, and according to Plaintiffs' Original Petition, Plaintiff David Gomez is a resident of and domiciled in the State of Texas.

8. Based upon information and belief, and according to Plaintiffs' Original Petition, Plaintiff Ronald Vasquez is a resident of and domiciled in the State of Texas.

9. Defendant Mefra Fletes, SA de CV is a business domiciled in Monterrey, Nuevo Leon, Mexico. Alberto Guadalupe Alvarez Martinez is a citizen and a resident of Matamoros, Tamaulipas, Mexico. He is not a citizen or resident of the United States.

10. The amount in controversy exceeds \$75,000.00. In Plaintiffs' Original Petition, Plaintiffs seek monetary relief over \$1,000,000.00.

11. Pursuant to Rule 81 of the Local Rules of the Southern District of Texas, Applicants would show the following:

- a. Plaintiffs: David Gomez and Ronald Vasquez
- b. Defendants: Mefra Fletes, SA de CV and Alberto Guadalupe Alvarez Martinez.
- c. Status of service of process: Alberto Guadalupe Alvarez answered on October 6, 2022.
- d. Status of Service of Process: Mefra Fletes, SA de CV answered on October 6, 2022.
- e. Counsel for each party is as follows:

Counsel for Plaintiffs David Gomez and Ronald Vasquez:

Joseph Garza
State Bar No.: 24107776
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Counsel for Defendants Mefra Fletes, SA de CV and Alberto Guadalupe Alvarez Martinez

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f. A jury was demanded by Defendants Mefra Fletes, SA de CV and Alberto Guadalupe Alvarez Martinez, in the state district court, and the jury fee was paid.

g. Name and address of court from which the case is being removed:

103rd Judicial District Court
Cameron County
Brownsville, Texas 78539

12. Pursuant to Local Rule 81, a copy of all pleadings asserting causes of action and all answers to such pleadings, a copy of all orders signed by the state judge, a copy of the docket sheet, and an index of the matters being filed are attached hereto.

WHEREFORE PREMISES CONSIDERED, Applicants pray that the above action now pending in the 103rd Judicial District Court of Cameron County, Texas, Cause No. 2022-DCL-04461-styled David Gomez and Ronald Vasquez vs. Mefra Fletes, SA de CV and Alberto Guadalupe Alvarez Martinez, be removed to this Court pursuant to Rule 28 U.S.C. §1332 and Rule 81 of the Local Rules of the Southern District of Texas and that Applicants may have such other and further relief at law or in equity to which they may show themselves justly entitled.

Respectfully submitted,

By: 

Tamara Rodriguez
State Bar No. 00791647
Federal Bar No. 18972
Attorney in Charge

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Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to opposing counsel on this the 11 day of October 2022, as follows:

VIA ESERVICE: litigation@herrmanandherman.com

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Tamara Rodriguez